

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, May 02, 2017

Hearing Room 1675

10:30 AM

2:17-12070 Raymond Modesti

Chapter 7

#1.00 Hearing re: Motion in individual case for order confirming termination of stay under 11 U.S.C. §362(c)(3) or that no stay is in effect under 11 U.S.C. §362(c)(4)(A)(ii) (Tony's Salami and Cheese Fund I, LLC VS Debtor)

Docket 8

Tentative Ruling:

Deny motion to confirm termination of stay because movant has not shown that stay terminated by a dismissal of a prior case within 1 year of the current bankruptcy case pursuant to 11 U.S.C. 362(c)(3) as the prior case was closed without discharge and not dismissed. Appearances are required on 5/2/17, but counsel may appear by telephone.

Party Information

Debtor(s):

Raymond Modesti

Pro Se

Movant(s):

Tony's Salami and Ch Tony's

Represented By
Paul R Cotter

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, May 02, 2017

Hearing Room 1675

1:30 PM

2:16-15374 Hugo Vazquez

Chapter 7

Adv#: 2:17-01180 Ehrenberg v. Vazquez

#2.00 Status conference re: Complaint for avoidance of fraudulent transfer, recovery of transferred property, preservation of avoided transfer, and sale of interest of co-owner in recovered property

Docket 1

Tentative Ruling:

Off calendar. The court has reviewed the joint status report stating that the matter is in the process of being settled and requesting a continuance of the status conference to finalize the settlement. The court on its own motion continues the status conference on its own motion to 8/15/17 at 1:30 p.m. Plaintiff to notify defendant of the continuance. No appearances are required on 5/2/17.

Party Information

Debtor(s):

Hugo Vazquez

Represented By
Michael H Colmenares

Defendant(s):

Teresa Vazquez

Pro Se

Plaintiff(s):

Howard M Ehrenberg

Represented By
Elissa Miller
Jason Balitzer

Trustee(s):

Howard M Ehrenberg (TR)

Represented By

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Hugo Vazquez

Jason Balitzer
SulmeyerKupetz

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, May 02, 2017

Hearing Room 1675

1:30 PM

2:16-18877 Martha L Amerine

Chapter 7

Adv#: 2:16-01479 Leslie v. Amerine et al

#3.00 Cont'd status conference re: Complaint for: (1) Avoidance and recovery fraudulent transfers; (2) Objection to discharge fr. 1/3/17, 2/28/17

Docket 1

***** VACATED *** REASON: Remaining defendants dismissed per notice filed on 4/18/17-mb.**

Tentative Ruling:

Off calendar. Plaintiff filed notices of voluntary dismissal of remaining defendants on 4/18/17. No appearances are necessary.

Party Information

Debtor(s):

Martha L Amerine

Represented By
Marc A Goldbach

Defendant(s):

Teri L. Amerine

Pro Se

Patrick L. Amerine

Pro Se

Teri L. Amerine As Co-Trustee of

Pro Se

Martha L. Amerine

Pro Se

Patrick L. Amerine, as Co-Trustee

Pro Se

Plaintiff(s):

Sam Leslie

Represented By
James A Dumas Jr
Christian T Kim

Trustee(s):

Sam S Leslie (TR)

Represented By
Christian T Kim

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CONT...

Martha L Amerine

James A Dumas Jr

Chapter 7

**United States Bankruptcy Court
Central District of California
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Tuesday, May 02, 2017

Hearing Room 1675

1:30 PM

2:17-10233 Alfred Hutchings Jr

Chapter 7

Adv#: 2:17-01181 Diamond, Chapter 7 Trustee, Plaintiff v. Engelman-Hutchings

#4.00 Status conference re: Trustee's complaint: (1) to avoid and recover fraudulent transfers; and (2) for turnover

Docket 1

***** VACATED *** REASON: Cont'd from 5/2/17 to 7/11/17 at 1:30 p.m.
per stip & order entered on 4/20/17-mb.**

Tentative Ruling:

Off calendar. Continued by stipulation and order to 7/11/17 at 1:30 p.m. No appearances are required on 5/2/17.

Party Information

Debtor(s):

Alfred Hutchings Jr

Represented By
Matthew D Resnik

Defendant(s):

Jennifer M. Engelman-Hutchings

Pro Se

Plaintiff(s):

Richard K. Diamond, Chapter 7

Represented By
Sonia Singh

Trustee(s):

Richard K Diamond (TR)

Represented By
Howard Kollitz
Zev Shechtman

**United States Bankruptcy Court
Central District of California
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Tuesday, May 02, 2017

Hearing Room 1675

2:30 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

#5.00 Hearing re: Motion for declaratory relief and injunctive relief against debtor
Rita Farris-Ellison

Docket 303

Tentative Ruling:

No tentative ruling as of 5/1/17. Appearances are required on 5/2/17, but counsel and self-represented party may appear by telephone in accordance with the court's telephone appearance procedures.

Party Information

Debtor(s):

Rita Gail Farris-Ellison

Represented By
James Bryant

Defendant(s):

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

Rita Gail Farris-Ellison

Represented By
James Bryant

Just that EZ Financial

Pro Se

Plaintiff(s):

James Lee Clark

Represented By
Justin D Graham

Trustee(s):

Sam S Leslie (TR)

Represented By
Christian T Kim

**United States Bankruptcy Court
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Tuesday, May 02, 2017

Hearing Room 1675

2:30 PM

2:11-33861 Rita Gail Farris-Ellison

Chapter 7

Adv#: 2:12-01830 Clark v. Farris-Ellison et al

#6.00 Hearing re: Motion for an order compelling discovery and sanctions against defendant/debtor Rita Ellison-Farris

Docket 301

Tentative Ruling:

No tentative ruling as of 5/1/17. Appearances are required on 5/2/17, but counsel and self-represented party may appear by telephone in accordance with the court's telephone appearance procedures.

Party Information

Debtor(s):

Rita Gail Farris-Ellison

Represented By
James Bryant

Defendant(s):

Lenders Escrow Inc

Pro Se

Does 1 Through 100 Inclusive

Pro Se

Rita Gail Farris-Ellison

Represented By
James Bryant

Just that EZ Financial

Pro Se

Plaintiff(s):

James Lee Clark

Represented By
Justin D Graham

Trustee(s):

Sam S Leslie (TR)

Represented By
Christian T Kim

**United States Bankruptcy Court
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Tuesday, May 02, 2017

Hearing Room 1675

2:30 PM

2:12-11511 Martin Earl Byrdsong Jr

Chapter 11

#7.00 Hearing re: Motion for entry of discharge, lien avoidance, final decree pursuant to 11 U.S.C. §1141(d)(5)(A) or (B), and for entry of an order closing case

Docket 159

Tentative Ruling:

No tentative ruling because the court cannot verify that the bifurcated unsecured claims of the partially secured creditors have been paid in full since the moving papers do not provide those amounts, such as the proofs of claim or stipulations indicating the value of the unsecured claims.
Appearances are required on 5/2/17, but counsel may appear by telephone.

Party Information

Debtor(s):

Martin Earl Byrdsong Jr

Represented By
Michael R Totaro

**United States Bankruptcy Court
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Tuesday, May 02, 2017

Hearing Room 1675

2:30 PM

2:12-15683 Sergio Anibal Del Cid Alegria

Chapter 7

#8.00 Hearing re: The Dominguez Firm, Inc.'s motion in limine regarding evidentiary matters pertaining to debtor's objection to proof of claim no. 11 filed by The Dominguez Firm, f/k/a Juan J. Dominguez, APLC

Docket 134

Tentative Ruling:

The court is inclined to deny the motion because the court in determining the quantum meruit recovery of a discharged attorney prior to a settlement is a multifaceted analysis as discussed in the applicable case law such as *Mardirossian & Associates, Inc. v. Ersoff*, 153 Cal.App.4th 257, 273 (2007); *Cazares v. Saenz*, 208 Cal.App.3d 279, 286-287 (1989) and *In re Tishgart*, 2012 WL 5489034 (9th Cir. BAP 2012). The court will have to look at lodestar computations, the nature of the litigation, the difficulty of the litigation, the amount involved, the required skill in handling the litigation, the results obtained, the skill and education of the attorneys involved and the relative results obtained by the attorneys involved. Absent the agreement of the parties, which is not apparent here, the court cannot see how this determination can be made based on a single, specific methodology, no matter how convenient it may be for one or more of the parties. Appearances are required on 5/2/17, but counsel may appear by telephone.

Party Information

Debtor(s):

Sergio Anibal Del Cid Alegria

Represented By
Stephen R Wade
W. Derek May

Trustee(s):

Rosendo Gonzalez (TR)

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
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Tuesday, May 02, 2017

Hearing Room 1675

2:30 PM

2:12-19652 Miguel Angel Calvillo

Chapter 7

#9.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Brad D. Krasnoff, Chapter 7 Trustee]

Docket 49

Tentative Ruling:

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 5/2/17, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Miguel Angel Calvillo

Represented By
Raymond J Seo

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1675

2:30 PM

2:14-17297 72 North, Inc., a California Corporation

Chapter 7

#10.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Wesley H. Avery, Chapter 7 Trustee]

Docket 58

Tentative Ruling:

Approve final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 5/2/17, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

72 North, Inc., a California

Represented By
Phu D Nguyen

Trustee(s):

Wesley H Avery (TR)

Represented By
Varand Gourjian

**United States Bankruptcy Court
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Los Angeles
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Tuesday, May 02, 2017

Hearing Room 1675

2:30 PM

2:14-17297 72 North, Inc., a California Corporation

Chapter 7

#11.00 Hearing re: Application for fees and expenses
[Varand Gourjian, Attorney for Chapter 7 Trustee]

Docket 55

Tentative Ruling:

Approve final fee application of attorney for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 5/2/17, but trustee and applicant may appear by telephone. Trustee or applicant to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

72 North, Inc., a California

Represented By
Phu D Nguyen

Trustee(s):

Wesley H Avery (TR)

Represented By
Varand Gourjian

**United States Bankruptcy Court
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Hearing Room 1675

2:30 PM

2:14-17297 72 North, Inc., a California Corporation

Chapter 7

#12.00 Hearing re: Application for fees and expenses
[Menchaca & Company LLP, Accountant for Chapter 7 Trustee]

Docket 56

Tentative Ruling:

Approve final fee application of accountants for trustee for reasons stated in the fee application and for lack of timely written objection. Appearances are optional on 5/2/17, but trustee and applicants may appear by telephone. Trustee or applicants to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

72 North, Inc., a California

Represented By
Phu D Nguyen

Trustee(s):

Wesley H Avery (TR)

Represented By
Varand Gourjian

**United States Bankruptcy Court
Central District of California
Los Angeles
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Courtroom 1675 Calendar**

Tuesday, May 02, 2017

Hearing Room 1675

2:30 PM

2:14-21890 Alphonso Rowe Ferguson and Ruby Lee Ferguson

Chapter 7

#13.00 Hearing re: Trustee's final report and account;
Application for fees and expenses
[Wesley H. Avery, Chapter 7 Trustee]

Docket 38

Tentative Ruling:

Approve amended final report and fee application of trustee for reasons stated in the final report and for lack of timely written objection. Appearances are optional on 5/2/17, but trustee and counsel may appear by telephone. Trustee to submit a proposed order within 7 days of hearing.

Party Information

Debtor(s):

Alphonso Rowe Ferguson

Represented By
Michelle A Marchisotto

Joint Debtor(s):

Ruby Lee Ferguson

Represented By
Michelle A Marchisotto

Trustee(s):

Wesley H Avery (TR)

Pro Se

**United States Bankruptcy Court
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Los Angeles
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Tuesday, May 02, 2017

Hearing Room 1675

2:30 PM

2:15-13630 Tae Woon Kim

Chapter 7

Adv#: 2:15-01263 Jung v. Kim et al

#14.00 Hearing re: Third party secured creditor Nancy Kim's motion for an order declaring that she is the sole beneficiary to the Walnut and Bloomington Deeds of Trust

Docket 114

Tentative Ruling:

Deny without prejudice for lack of jurisdiction since the underlying bankruptcy case was dismissed and the related adversary proceeding was dismissed pursuant to the settlement in that matter. The dismissal order did not indicate any reservation of jurisdiction to resolve controversies to enforce the settlement, and the court lacks jurisdiction to resolve this matter by a third party. See Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 379 (1994). It seems that movant's remedy would be a quiet title action in state court. Appearances are required on 5/2/17, but counsel may appear by telephone.

Party Information

Debtor(s):

Tae Woon Kim

Represented By
Stella K Park

Defendant(s):

Jeong Sik Kim

Represented By
William W Kim

Chung Hee Kim

Represented By
Christian T Kim
Stella K Park

In Sun Kim

Represented By
William W Kim

Tae Woon Kim

Represented By
Christian T Kim

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2:30 PM

CONT... Tae Woon Kim

Chapter 7

Hyun Park

Stella K Park

Represented By
William W Kim

Joint Debtor(s):

Chung Hee Kim

Represented By
Stella K Park

Plaintiff(s):

Hee Ok Jung

Represented By
Jeremy Cook

Trustee(s):

Edward M Wolkowitz (TR)

Represented By
Juliet Y Oh
Lindsey L Smith
Dana M Dorsett
Jeremy Cook

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, May 02, 2017

Hearing Room 1675

2:30 PM

2:16-24758 Swing House Rehearsal and Recording, Inc. and Philip

Chapter 11

#15.00 Hearing re: Motion to terminate exclusivity in debtors' jointly administered chapter 11 cases

Docket 104

***** VACATED *** REASON: Resolved per stip & order entered on 4/24/17-mb.**

Tentative Ruling:

Off calendar. Motion resolved by stipulation and order. No appearances are necessary.

Party Information

Debtor(s):

Swing House Rehearsal and

Represented By
Kurt Ramlo
Jeffrey S Kwong

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, May 02, 2017

Hearing Room 1675

2:30 PM

2:16-24758 Swing House Rehearsal and Recording, Inc.

Chapter 11

#16.00 Cont'd status conference re: Management of chapter 11 case
fr. 1/4/17, 1/11/17, 4/12/17

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/1/17. No tentative ruling on the merits.
Appearances are required on 5/2/17, but counsel may appear by telephone.

Prior tentative ruling as of 4/10/17. No tentative ruling on the merits.
Appearances are required on 4/12/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No
tentative ruling on the merits. Appearances are required on 1/11/17, but
counsel may appear by telephone.

Party Information

Debtor(s):

Swing House Rehearsal and

Represented By
Kurt Ramlo

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, May 02, 2017

Hearing Room 1675

2:30 PM

2:16-24760 Philip Joseph Jaurigui

Chapter 11

#17.00 Cont'd status conference re: Management of chapter 11 case
fr. 1/4/17, 1/11/17, 4/12/17

Docket 1

Tentative Ruling:

Updated tentative ruling as of 5/1/17. No tentative ruling on the merits.
Appearances are required on 5/2/17, but counsel may appear by telephone.

Prior tentative ruling as of 4/10/17. No tentative ruling on the merits.
Appearances are required on 4/12/17, but counsel may appear by telephone.

Prior tentative ruling. The court has reviewed debtor's status report. No
tentative ruling on the merits. Appearances are required on 1/11/17, but
counsel may appear by telephone.

Party Information

Debtor(s):

Philip Joseph Jaurigui

Represented By
Leonard Pena

**United States Bankruptcy Court
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Tuesday, May 02, 2017

Hearing Room 1675

2:30 PM

2:16-27044 Uziel Haimoff and Karla Haimoff

Chapter 7

#18.00 Hearing re: Debtor's motion to dismiss case

Docket 56

Tentative Ruling:

Grant motion to dismiss for the reasons stated in the moving papers and for lack of timely written opposition. Appearances are required on 5/2/17, but counsel may appear by telephone.

Party Information

Debtor(s):

Uziel Haimoff

Represented By
Daniel J McCarthy
Charles Shamash

Joint Debtor(s):

Karla Haimoff

Represented By
Michael R Totaro
Kathleen P March
Daniel J McCarthy
Charles Shamash

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, May 02, 2017

Hearing Room 1675

2:30 PM

2:16-27044 Uziel Haimoff and Karla Haimoff

Chapter 7

#19.00 Hearing re: Motion to compel production of documents pursuant to stipulation and order

Docket 52

Tentative Ruling:

Deny as moot if the court grants debtors' unopposed motion to dismiss.
Appearances are required on 5/2/17, but counsel may appear by telephone.

Party Information

Debtor(s):

Uziel Haimoff

Represented By
Daniel J McCarthy
Charles Shamash

Joint Debtor(s):

Karla Haimoff

Represented By
Michael R Totaro
Kathleen P March
Daniel J McCarthy
Charles Shamash

Trustee(s):

Peter J Mastan (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1675

2:30 PM

2:16-27044 Uziel Haimoff and Karla Haimoff

Chapter 7

#20.00 Cont'd hearing re: Emergency motion for protective order and to quash third party subpoenas fr. 4/13/17

Docket 57

Tentative Ruling:

No tentative ruling as of 5/1/17. The discovery that is the subject of the motion to quash may be moot if the court grants debtors' motion to dismiss. Creditor orally opposed the motion to quash heard on shortened notice, but has not filed formal written opposition to the motion. Appearances are required on 5/2/17, but counsel may appear by telephone.

Party Information

Debtor(s):

Uziel Haimoff

Represented By
Daniel J McCarthy
Charles Shamash

Joint Debtor(s):

Karla Haimoff

Represented By
Michael R Totaro
Kathleen P March
Daniel J McCarthy
Charles Shamash

Trustee(s):

Peter J Mastan (TR)

Pro Se

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Hearing Room 1675

2:30 PM

2:17-10233 Alfred Hutchings Jr

Chapter 7

#21.00 Hearing re: Debtor's motion to convert case under 11 U.S.C. §§706(a) or 1112(a)

Docket 41

***** VACATED *** REASON: Rescheduled from 5/2/17 to 6/6/17 at 2:30 p.m. per notice filed on 4/13/17/mb.**

Tentative Ruling:

Off calendar. Debtor filed a notice of rescheduled hearing rescheduling hearing from 5/2/17 to 6/6/17 at 2:30 p.m. No appearances are required on 5/2/17.

Party Information

Debtor(s):

Alfred Hutchings Jr

Represented By
Matthew D Resnik

Trustee(s):

Richard K Diamond (TR)

Represented By
Howard Kollitz
Zev Shechtman
Sonia Singh

**United States Bankruptcy Court
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Tuesday, May 02, 2017

Hearing Room 1675

3:00 PM

2:16-17064 Maria Virginia Marti

Chapter 7

Adv#: 2:16-01270 Romero v. Marti

#22.00 Cont'd hearing re: Plaintiff Mario Romero's opposition to defendant's motion to quash the subpoena duces tecum served on Derek Tabone fr. 3/7/17

Docket 98

Tentative Ruling:

Updated tentative ruling as of 5/1/17. Off calendar. The court determines that further oral argument is unnecessary and dispenses with it, vacates the hearing and takes the motion under submission. A written order on the motion will be issued shortly. No appearances are required on 5/2/17.

No tentative ruling as of 3/6/17. Appearances are required on 3/7/17, but counsel may appear by telephone.

Party Information

Debtor(s):

Maria Virginia Marti

Represented By
Anita Khachikyan

Defendant(s):

Maria Virginia Marti

Represented By
Derek L Tabone

Plaintiff(s):

Mario Romero

Represented By
Dimitrios P Biller

Trustee(s):

Jason M Rund (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, May 02, 2017

Hearing Room 1675

3:30 PM

2:16-15322 Curtis C. Magleby

Chapter 11

#23.00 Hearing re: Motion by creditor Cindy Magleby for entry of order mandating and directing payment of administrative support claims pursuant to 11 U.S.C. §105(a), 11 U.S.C. §1129, 11 U.S.C. §362

Docket 247

Tentative Ruling:

The court is inclined to deny the motion because movant seeks payment of her prepetition claim, though may be entitled to priority (for purposes of this motion, the court assumes that the claim has priority status absent an objection to the claim, Fed. R. Bankr. P. 3001(f)), outside a plan in this Chapter 11 bankruptcy case. (The court disagrees with movant that her claim is postpetition in that she obtained an order postpetition from the family law court that she has a right to payment from an asset, the bonus earned for debtor's postseparation, prepetition services in 2015, making it a prepetition asset, in which she apparently has a prepetition claim awarded by the family law court, though it appears that it is in the nature of support since it is intended to pay for attorneys' fees incurred to obtain support, but the court need not determine the specific character of the claim, except as to its prepetition status. The claim would not be a postpetition administrative expense claim under 11 U.S.C. 503(b) since there is no showing that such claim is for postpetition expenses actually and necessarily benefitting the estate.) As to movant's argument that the court has authority to make distributions in a Chapter 11 case outside a plan pursuant to 11 U.S.C. 105 (a), "[t]he general rule is that distribution on pre-petition debt should not take place except pursuant to a confirmed plan of reorganization, absent extraordinary circumstances." In re Air Beds, Inc., 92 B.R. 419, 422 (9th Cir. BAP 1988); see also, Czyzewski v. Jevic Holding Corp. 580 U.S. ___, ___, 137 S.Ct. 973, 985-986 (2017)(dicta observing that the bankruptcy court may not approve interim distributions in violation of priority absent significant Bankruptcy Code-related objectives) . The motion does not sufficiently present extraordinary circumstances here. Moreover, the court lacks general authority to deviate from the express procedural safeguards of the Bankruptcy

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Hearing Room 1675

3:30 PM

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Curtis C. Magleby

Chapter 11

Code under 11 U.S.C. § 105(a). Law v. Siegel, 571 U.S. ___, ___, 134 S.Ct. 1188, 1194-1198 (2014)(exemptions under 11 U.S.C. § 522); Czyzewski v. Jevic Holding Corp. , 137 S.Ct. at 983-988 (structural dismissals under 11 U.S.C. §§1112 and 349. Appearances are required on 5/2/17, but counsel may appear by telephone.

Party Information

Debtor(s):

Curtis C. Magleby

Represented By
Illyssa I Fogel